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CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DEAN RATTY,

Plaintiff-Appellant,

v.

**CLARK COUNTY SCHOOL
DISTRICT,**

Defendant-Appellee.

No. 04-15286

D.C. No. CV-02-01184-JCM

MEMORANDUM *

Appeal from the United States District Court
for the District of Nevada (Las Vegas)
James C. Mahan, District Judge, Presiding

Argued and Submitted October 19, 2005
San Francisco, California

Before: **BEEZER** and **KOZINSKI**, Circuit Judges, and **CARNEY**,** District
Judge.

* This disposition is not appropriate for publication and may not be cited to
or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The Honorable Cormac J. Carney, United States District Judge for the
Central District of California, sitting by designation.

Summary judgment was improper in light of the genuine issues of material fact that existed as to (1) whether it was reasonably practicable under the circumstances for Mr. Ratty to provide the medical certification by the deadline imposed by the School District; (2) whether the School District adequately notified Mr. Ratty of the specific expectations and obligations requisite to obtaining leave, and of the consequences of failing to meet those obligations; (3) whether Mr. Ratty acted diligently and in good faith to provide the medical certification by the School District's deadline; (4) whether the School District gave Mr. Ratty a reasonable opportunity to cure any deficiencies in the medical certification he actually provided; and (5) whether the School District excused any deficiencies in Mr. Ratty's request for leave by advising him in the Record of Personnel Notification that he could still "apply for and be granted a leave of absence . . ."

REVERSED AND REMANDED.

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